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May 13, 2002

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

Marlene H. Dortch, Secretary  
 Federal Communications Commission  
 236 Massachusetts Avenue, NE  
 Suite 110  
 Washington, DC 20002

Attention: Telecommunications Access Policy Division, Wireline Competition Bureau

**RE: Joint Petition for Expedited Waivers of Study Area Waivers of Dickey Rural Telephone Cooperative, Dickey Rural Access, Inc., Polar Telecommunications, Inc., Red River Rural Telephone Association, Red River Telecom, Inc., and Citizens Telecommunications Company of North Dakota, CC Docket No. 96-45**

Dear Ms. Dortch:

As a supplement to the *Joint Petition for Expedited Waiver ("Joint Petition")* filed by Dickey Rural Telephone Cooperative, Dickey Rural Access, Inc., Polar Telecommunications, Inc., Red River Rural Telephone Association, Red River Telecom, Inc., and Citizens Telecommunications Company of North Dakota on April 5, 2002,<sup>1</sup> which is currently pending in the above-referenced docket, attached please find a copy of the following three documents.

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<sup>1</sup> See *Dickey Rural Telephone Cooperative, Dickey Rural Access, Inc., Polar Telecommunications, Inc., Red River Rural Telephone Association, Red River Telecom, Inc., and Citizens Telecommunications Company of North Dakota Seek a Waiver of the Definition of "Study Area" in Part 36 and Sections 61.41(c) and (d), 69.3(e)(11) and 69.605(c) of the Commission's Rules*, DA 02-1034 (released May 6, 2002).

First, please find a copy of the letter to Katherine Schroder<sup>2</sup> issued on May 1, 2002, by the North Dakota Public Service Commission (“NDPSC”). The letter provides the State of North Dakota’s approval to the transfer of the exchanges addressed in the *Joint Petition* based upon the NDPSC’s conclusion that the transfer serves the public interest. The letter states expressly that the NDPSC “does not object to the request for waiver of the FCC’s study area rule for the exchanges to be transferred from Citizens Telecommunications Company of North Dakota to Dickey Rural Access, Inc., Red River Telecom, Inc, and Polar Telecommunications, Inc.”

Second, please find a copy of the two *Orders*<sup>3</sup> issued on May 2, 2002, by the Minnesota Public Utilities Commission (“MPUC”). The *Orders* provide the State of Minnesota’s approval of the transfer of the Minnesota portion of the Fairmont exchange from Citizens Telecommunications Company of North Dakota to Red River Telecom, Inc. and the Pembina exchange from Citizens Telecommunications Company of North Dakota to Polar Telecommunications, Inc. In addition the *Orders* state expressly that the MPUC “does not oppose a waiver/modification of the Part 36 study area for North Dakota” to reflect Red River Telecom, Inc.’s and Polar’s acquisition of the relevant Citizens Telecommunications Company of North Dakota exchanges.

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<sup>2</sup> Letter from Anthony T. Clark, Commissioner, Susan E. Wefald, President, and Leo M. Reinbold, Commissioner to Katherine Schroder (May 1, 2002).

<sup>3</sup> *Request for Approval of the Transfer of the Minnesota Portion of the Fairmont Exchange from Citizens Telecommunications Company of North Dakota to Red River Telecom, Inc.*, Docket No. P-6100/PA-02-393 (dated May 2, 2002); *Request for Approval of the Transfer of the Minnesota Portion of the Pembina Exchange from Citizens Telecommunications Company of North Dakota to Polar Telecommunications, Inc.*, Docket No. P-6101/PA-02-396 (dated May 2, 2002).

Please associate these three documents as a supplement to the above captioned *Joint Petition*.

Respectfully submitted,

**DICKEY RURAL TELEPHONE COOPERATIVE  
DICKEY RURAL ACCESS, INC.  
RED RIVER RURAL TELEPHONE  
ASSOCIATION  
RED RIVER TELECOM, INC.  
POLAR TELECOMMUNICATIONS, INC.**

By 

Benjamin H. Dickens, Jr.

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2120 L Street, NW, Suite 300

Washington, DC 20037

Tel: (202) 659-0830

*Their Attorneys*

Dated: May 13, 2002

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# Public Service Commission

State of North Dakota

## COMMISSIONERS

Susan E. Wefald, President  
Leo M. Reinbold  
Anthony T. Clark

Executive Secretary  
Jon H. Mielke

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Phone 701-328-2400

May 1, 2002

Katherine Schroder  
Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C., 20554

Re: Request for Waivers in Connection with the Sale of Certain Exchanges from Citizens Telecommunications Company of North Dakota to Dickey Rural Access, Inc., Red River Telecom, Inc., and Polar Telecommunications, Inc.


Dear Ms. Schroder:

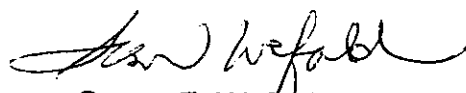
On May 1, 2002, the North Dakota Public Service Commission (Commission) approved the applications for certificates of public convenience and necessity filed by Dickey Rural Access, Inc., Red River Telecom, Inc., and Polar Telecommunications, Inc. in connection with their purchase of certain exchanges in the State of North Dakota from Citizens Telecommunications Company of North Dakota. It is the Commission's understanding that on April 5, 2002, the above-referenced companies also filed a Joint Petition for Expedited Waivers at the Federal Communications Commission (FCC) requesting a waiver of certain FCC rules, including the FCC's study area rule, in connection with the purchase and sale of these exchanges.


The North Dakota Public Service Commission hereby affirmatively states that it does not object to the request for waiver of the FCC's study area rule for the exchanges to be transferred from Citizens Telecommunications Company of North Dakota to Dickey Rural Access, Inc., Red River Telecom, Inc., and Polar Telecommunications, Inc.

If you have any questions concerning this matter, please contact Jerry Lein at 701 328-1035.

Sincerely,

  
Anthony T. Clark  
Commissioner

  
Susan E. Wefald  
President

  
Leo M. Reinbold  
Commissioner

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Gregory Scott  
Edward A. Garvey  
Marshall Johnson  
LeRoy Koppendrayner  
Phyllis Reha

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

To: Richard J. Johnson  
M. Cecilia Ray  
Moss & Barnett  
4800 Wells Fargo Center  
30 South Seventh Street  
Minneapolis, MN 55402

SERVICE DATE: MAY 2 2002

DOCKET NO. P-6100/PA-02-393

In the Matter of a Request for Approval of the Transfer of the Minnesota Portion of the Fairmount Exchange from Citizens Telecommunications Company of North Dakota to Red River Telecom, Inc.

The above entitled matter has been considered by the Commission and the following disposition made:

**Approved the transfer of the Fairmount exchange from Citizens Telecommunications Company of North Dakota to Red River Telecom, Inc. contingent upon approval of Red River Telecom, Inc.'s receipt of a certificate of authority to provide local telecommunications services;**

**The Commission does not oppose a waiver/modification of the Part 36 study area for North Dakota to reflect Red River Telecom, Inc.'s acquisition of the Fairmount exchange.**

This decision is issued by the Commission's consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).

The Commission agrees with and adopts the recommendations of the Department of Commerce which are attached and hereby incorporated in the Order.

BY ORDER OF THE COMMISSION

  
Carl W. Haar  
Executive Secretary

(S E A L)

This document can be made available in alternative formats (i.e., large print or audio tape) by calling (651) 297-4596 (voice), (651) 297-1200 (TTY), or 1-800-627-3529 (TTY relay service).

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Gregory Scott  
Edward A. Garvey  
Marshall Johnson  
LeRoy Koppendrayer  
Phyllis Reha

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

To: Richard J. Johnson  
M. Cecilia Ray  
Moss & Barnett  
4800 Wells Fargo Center  
30 South Seventh Street  
Minneapolis, MN 55402

SERVICE DATE: MAY 2 2002

DOCKET NO. P-6101/PA-02-396

In the Matter of a Request for Approval of the Transfer of the Minnesota Portion of the Pembina Exchange from Citizens Telecommunications Company of North Dakota to Polar Telecommunications, Inc.

The above entitled matter has been considered by the Commission and the following disposition made:

**Approved the transfer of the Pembina exchange from Citizens Telecommunications Company of North Dakota to Polar Telecommunications, Inc. contingent upon approval of Polar Telecommunications, Inc.'s receipt of a certificate of authority to provide local telecommunications services;**

**The Commission does not oppose a waiver/modification of the Part 36 study area for North Dakota to reflect Polar Telecommunications, Inc.'s acquisition of the Pembina exchange.**

This decision is issued by the Commission's consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).

The Commission agrees with and adopts the recommendations of the Department of Commerce which are attached and hereby incorporated in the Order.

BY ORDER OF THE COMMISSION

  
Earl W. Haar  
Executive Secretary

(S E A L)

This document can be made available in alternative formats (i.e., large print or audio tape) by calling (651) 297-4596 (voice), (651) 297-1200 (TTY), or 1-800-627-3529 (TTY relay service).

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing were served by first class U.S. mail or hand delivery on this 13<sup>th</sup> day of May, 2002, to the persons listed below:

Marlene H. Dortch, Secretary  
Federal Communications Commission  
236 Massachusetts Avenue, NE  
Suite 110  
Washington, DC 20002

Dorothy Attwood, Chief  
Wireline Competition Bureau  
Federal Communications Commission  
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Washington D.C. 20554

Katherine Schroder, Chief  
Accounting Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W. - Room 5-A426  
Washington D.C. 20554

Kenneth P. Morgan, Chief  
Accounting Safeguards Division  
Wireline Competition Bureau  
Federal Communications Commission  
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Douglas W. Everette